



THE ATTORNEY GENERAL OF TEXAS

GERALD C. MANN

AUSTIN 11, TEXAS

~~JOHN LEE SMITH~~
ATTORNEY GENERAL

Honorable L. R. Thompson
County Auditor
Taylor County
Abilene, Texas

Dear Mr. Thompson:

Opinion No. O-4872

Re: Can the same election supplies, ballots, and election judges be used to hold the General Election and the Special Election called to elect a State Senator for the General Election day?

Your letter of September 21, 1942, stating that the Governor had called a special election to be held on the day of the General Election to elect a State Senator to succeed Honorable John Lee Smith, has been given our careful consideration.

In your letter you ask the following questions:

- "1. Can the general election supplies serve for both the general election and the special election for State Senator?
- "2. Can everything appear on one ballot or must there be separate ballots?
- "3. Can one set of judges and clerks serve for both elections?
- "4. Is one set of ballot boxes sufficient, or must there be separate ballot boxes?"

We enclose a copy of our Opinion No. O-2853, written to Hon. A.A. Miller, County Attorney of Newton County, dated November 1, 1940, which we think will answer each of the questions you ask. Without repeating the argument and authorities therein quoted, but based upon same, we answer your four questions as follows:

1. In our opinion, you cannot use the General Election supplies for both the General Election and the Special Election, because they are to separate and distinct elections.
2. You cannot place on the official ballot for the General Election the names of those who are running for State Senator. It will be necessary to have a separate and distinct ballot prepared for the Special Election.

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3. One set of judges and clerks can serve for holding both of the elections.

4. It will be necessary to have two sets of ballot boxes and the ballots, after being voted, should be kept in separate boxes, because there might be a contest over either the Special Election or the General Election.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By /s/ Geo. W. Barcus

Geo. W. Barcus
Assistant

GWB-MR:egw

Enclosure

APPROVED SEP 29, 1942
/s/ Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

Approved
Opinion Committee
By B W B
Chairman